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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,036	09/22/2003	Jeyhan Karaoguz	14967US02	7866

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER
HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
01/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***		*10/667,036*	KARAOGUZ ET AL.
		Examiner	Art Unit	
		Lalita M. Hamilton	3691	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>December 4, 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

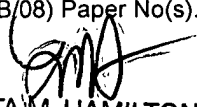   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

LALITA M. HAMILTON
PRIMARY EXAMINER

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20080102

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues that McEvilly does not disclose a user interface, at the first home, having at least one user defined media channel, the at least one user defined media channel comprising sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media. In response, McEvilly discloses that the menu design, selections, and content displayed to a user based on user profile data and usage information maintained by the system in one or more databases. The stored user profile data and usage information may be used by the system to create a personalized menu including design elements, services, and content based on the profile data and usage information of the user which the menu will be presented (p.3, 50).

The Applicant argues that McEvilly does not disclose the creation by a first user of one or more media channels for distribution to an authorized second user at a second location remote from the first location. In response, McEvilly discloses that in one embodiment, the user gained access to services and media content using a user set top box and a television. However, the machine may operate as a peer-to-peer network, which includes other locations different from that of the first user (p.27, 328). In addition, the machine may be a PC, set top box, PVR, PDA, etc.

The Applicant argues that McEvilly does not disclose a "server software that receives from the first home at the associated first protocol address, via a communication network, a request for the delivery of the media...and that responds by coordinating delivery of the media from one of the first storage and the at least one server to the (second television in the second home). In response, McEvilly discloses In response, McEvilly discloses that in one embodiment, the user gained access to services and media content using a user set top box and a television. However, the machine may operate as a peer-to-peer network, which includes other locations different from that of the first user (p.27, 328). In addition, the machine may be a PC, set top box, PVR, PDA, etc.

The Applicant argues that McEvilly does not disclose "wherein each of the one or more media channels comprises a sequence of media content selected by the first user, which is made available for consumption by the second user of the media exchange network at time scheduled by the first user"; "a user interface having at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media"; or "server software that receives via a communication network a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from a storage at a second location to a television display at a third location for consumption". In response, McEvilly discloses that the menu design, selections, and content displayed to a user based on user profile data and usage information maintained by the system in one or more databases. The stored user profile data and usage information may be used by the system to create a personalized menu including design elements, services, and content based on the profile data and usage information of the user which the menu will be presented (p.3, 50). The billing server (29) is responsible for tracking payment of bills and for blocking the provision of services or content to users if they do not make payment (p.12, 158)..

LALITA M. HAMILTON
PRIMARY EXAMINER

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